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Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health

DRINKING WATER FIELD OPERATIONS BRANCH

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EDMUND G. BROWN JR.
Governor

October 10, 2013

Ms. Sharon Sutherland
Sutherland Waterworks
P.O. Box 12
Leggett, CA 95585

RE: Sutherland Waterworks Citation No. 02-03-13C018-2300503-23

Dear Ms. Sutherland:

Enclosed is a citation issued to Sutherland Waterworks (Water System). The citation is being issued because the Water System failed to comply with the monthly bacteriological monitoring requirement during the month of August 2013.

The Citation consists of seven sections. The Determinations section describes the violation which resulted in the issuance of this Citation. The Directives section specifies what notifications are required, how and when to complete the notifications, and what required actions must be taken by the Water System to return to compliance.

Please be aware that we did not receive the required public notification certification from our June 2013 monitoring and reporting citation. ***Therefore, we will now be taking the additional step of notifying those customers served by Sutherland Waterworks of all future citations and public notifications directly.*** This should be considered a supplement to Sutherland Waterworks' public notification process, and should not be in lieu of your efforts to notify the public.

Your Water System will be billed at the Department's current hourly rate of \$126.00 for the time spent issuing this Citation, time spent doing public notification, and any other follow-up time required of Department staff to ensure compliance (including inspection visits and associated travel time). The Water System will receive a bill from our Fee Billing Unit in Sacramento.

If you have any questions regarding this matter, please contact Lori Hanson or myself at (707) 576-2145.

Sincerely,



Michelle Floyd Frederick, P.E.
District Engineer
Mendocino District

Enclosure: Citation No. 02-03-13C018-2300503-23

c: Mendocino County Health Department

Citation No. 02-03-13C018-2300503-23

**STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH**

Name of Public Water System: SUTHERLAND WATERWORKS

Water System No: 2300503

To: SUTHERLAND WATERWORKS
P.O. Box 12
Leggett, CA 95585

Issued: October 10, 2013

**CITATION FOR NONCOMPLIANCE WITH

CONDITION NO. 1, 2 AND 3 OF
CITATION NO. 02-03-13C012-2300503-23

AND
SECTIONS 64423 AND 64423.1, TITLE 22,
OF THE CALIFORNIA CODE OF REGULATIONS**

**Monitoring and Reporting Violation
August 2013**

Section 116650 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued thereunder.



1
2 The Division of Drinking Water and Environmental Management of the State
3 of California Department of Public Health (Department) hereby issues a
4 citation to Sutherland Waterworks (System) for failure to comply with
5 Condition No. 1, 2 and 3 of Citation No. 02-03-13C012-2300503-23 and Title
6 22, California Code of Regulations (CCR) Sections 64423 and 64423.1.

7 8 **APPLICABLE AUTHORITIES**

9
10 Section 116650 of the CHSC states in relevant part:

11 (a) If the department determines that a public water system is in
12 violation of this chapter or any regulation, permit, standard, citation,
13 or order issued or adopted thereunder, the department may issue a
14 citation to the public water system. The citation shall be served upon
15 the public water system personally or by certified mail. Service shall
16 be deemed effective as of the date of personal service or the date of
17 receipt of the certified mail. If a person to whom a citation is directed
18 refuses to accept delivery of the certified mail, the date of service
19 shall be deemed to be the date of mailing.

20
21 (b) Each citation shall be in writing and shall describe the nature of
22 the violation or violations, including a reference to the statutory
23 provision, standard, order, citation, permit, or regulation alleged to
24 have been violated.

25 (c) A citation may specify a date for elimination or correction of the
26 condition constituting the violation.
27



1 (d) A citation may include the assessment of a penalty as specified in
2 subdivision (e).

3
4 (e) The department may assess a penalty in an amount not to exceed
5 one thousand dollars (\$1,000) per day for each day that a violation
6 occurred, and for each day that a violation continues to occur. A
7 separate penalty may be assessed for each violation.

8
9 Conditions No. 1, 2 and 3 of Citation No. 02-03-13C-012-2300503-23 state
10 in relevant part:

11 SUTHERLAND WATERWORKS is hereby directed to take the
12 following actions:

- 13
14 1. Comply with Sections 64423 and 64423.1, Title 22, of the
15 CCR in all future monitoring periods. Additionally,
16 SUTHERLAND WATERWORKS shall collect a distribution
17 bacteriological sample each month, unless otherwise
18 directed by the Department.
- 19
20 2. Notify all persons served by the Water System of the failure
21 to sample, in conformance with Section 64463.4 and
22 Section 64465, Title 22 of the CCR. The notification must
23 include that the Department has recommended that all
24 water users boil their water until such time as regular,
25 consistent monitoring is reinstated, and the system can
26 show that it has adequate technical, financial and
27 managerial resources to operate a public water system.
3. A representative of SUTHERLAND WATERWORKS shall
complete the attached Compliance Certification form and



1 return it to the Department by September 27, 2013. A copy
2 of the notice delivered to the customers and posted in a
3 conspicuous public location must be attached to the form.
4

5 California Code of Regulations (CCR), Section 64423, states in relevant
6 part:
7

8 (a) Each water supplier shall collect routine bacteriological water
9 samples as follows:

10 (3) The minimum number of samples for transient non-community
11 water systems using groundwater and serving 1,000 or fewer persons
12 per month shall be one in each calendar quarter during which the
13 system provides water to the public.
14

15 CCR, Section 64423.1, states in relevant part:
16

17 Analytical results of all required samples collected for a system in a
18 calendar month shall be reported to the Department not later than the
19 tenth day of the following month.
20

21 STATEMENT OF FACTS

22 The Sutherland Waterworks water system is required by the Division of
23 Drinking Water and Environmental Management of the Department of Public
24 Health (Department) to collect and report one bacteriological sample per
25 calendar month. As of the date of this Citation, the Department has not
26 received results for a routine bacteriological sample collected from the
27 distribution system of the SUTHERLAND WATERWORKS during the month
of **August 2013**. Additionally, SUTHERLAND WATERWORKS has not



1 performed or certified that public notification was completed as required in
2 Citation No. 02-03-13C-012-2300503-23.

3 4 **DETERMINATIONS**

5
6 The Department has determined that the failure to collect and report a
7 routine bacteriological sample from the distribution system of the
8 SUTHERLAND WATERWORKS during the month of August 2013 is a
9 violation of Condition No. 1 of Citation No. 02-03-13C012-2300503-23 and
10 Sections 64423 and 64423.1, Title 22, of the California Code of Regulations.
11 Additionally, the Department has determined that SUTHERLAND
12 WATERWORKS has not submitted the Compliance Certification form
13 required in Condition No. 3 of Citation No. 02-03-13C012-2300503-23 and
14 therefore is in violation of the public notification requirements in Condition
15 No. 2 and 3 of Citation No. 02-03-13C012-2300503-23.

16 The Department hereby issues a citation to the SUTHERLAND
17 WATERWORKS for the failure to comply with Condition No. 1, 2 and 3 of
18 Citation No. 02-03-13C012-2300503-23 and Sections 64423 and 64423.1,
19 Title 22, of the California Code of Regulations.

20
21 The Department has also determined that the Water System must notify its
22 customers that the Department recommends that customers boil their
23 drinking water before using it. This recommendation is due to the fact that
24 the Sutherland Waterworks failed to monitor the drinking water for
25 bacteriological water quality in August 2013 and has repeatedly failed to
26 demonstrate that it has adequate technical, financial, and managerial
27 resources to safely operate a public water system.



DIRECTIVES

SUTHERLAND WATERWORKS is hereby directed to take the following actions:

1. Comply with Sections 64423 and 64423.1, Title 22, of the CCR in all future monitoring periods. Additionally, SUTHERLAND WATERWORKS shall collect a distribution bacteriological sample each month, unless otherwise directed by the Department.
2. **Notify all persons served by the Water System of the failure to sample, in conformance with Section 64463.4 and Section 64465, Title 22 of the CCR. The notification must include that the Department has recommended that all water users boil their water until such time as regular, consistent monitoring is reinstated, and the system can show that it has adequate technical, financial and managerial resources to operate a public water system.** The public notification shall be updated and sent to customers **monthly** until the water system resumes regular, consistent monthly bacteriological sampling, completes all required chemical monitoring, has a state certified operator under contract to check and maintain the water system, AND the Department lifts the boil water notice requirements. Notification must be completed in accordance with each of the following:
 - a) By **mail or direct delivery** of the notice contained in Attachment A to each customer and/or service connection, including those that



1 supply drinking water to others. This notice must also be given to
2 all other service connections which receive water from this Water
3 System. This updated notice must be delivered to each customer
4 and/or service connection every month, and the updated notice
5 must be continuously posted in a conspicuous public location by
6 **November 10, 2013.**

7
8 b) The water system must provide public notice for this violation in
9 accordance with Section 64465(c), Title 22 of the CCR. Section
10 64465(c) requires for each non-English speaking group that
11 exceeds 1,000 residents or 10% of the residents in a community
12 (whichever is less), the public notice must contain information in
13 the appropriate language(s) regarding the importance of the
14 notice, or it must contain a telephone number or address where
15 such residents may contact the water system to receive a
16 translated copy of the notice or to receive assistance in the
17 appropriate language.

18 3. A representative of SUTHERLAND WATERWORKS shall complete
19 the attached Compliance Certification form and return it to the
20 Department by **November 10, 2013. A copy of the notice**
21 **delivered to the customers and a copy of the notice posted in a**
22 **conspicuous public location must be attached to the form.**

23 All documents required by this Citation shall be submitted to the Department
24 at the following address:

25 Michelle Floyd Frederick, P.E.
26 Department of Public Health
27 Drinking Water Field Operations Branch
50 D Street, Suite 200
Santa Rosa, CA95404



1 The Department reserves the right to make such modifications to this
2 Citation, as it may deem necessary to protect public health and safety.
3 Such modifications may be issued as amendments to this Citation and shall
4 be effective upon issuance.

5
6 **PARTIES BOUND**

7
8 This Citation shall apply to and be binding upon the System, its officers,
9 directors, agents, employees, contractors, successors, and assignees.

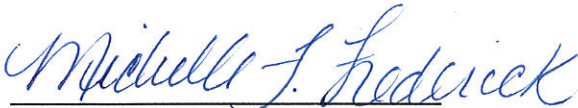
10 **SEVERABILITY**

11
12 The directives of this Citation are severable, and the System shall comply
13 with each and every provision thereof notwithstanding the effectiveness of
14 any provision.

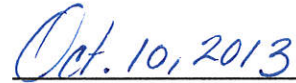


FURTHER ENFORCEMENT ACTION

Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the California Health and Safety Code authorizes the Department to: issue additional citations with assessment of penalties if the System continues to fail to correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with orders of the Department; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Department. The Department does not waive any further legal enforcement action by issuance of this citation.



Michelle Floyd Frederick, P.E.
District Engineer
Mendocino District
Drinking Water Field Operations Branch



Date

Attachments

Certified Mail No. 7012 1010 0000 3983 8160



2300503/Compliance File #4
02-03-13C018-2300503-23.doc/LSH



BOIL WATER NOTICE

Failure to follow this advisory could result in stomach or intestinal illness.

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

Our water system failed to test the drinking water for coliform bacteria during the month of August 2013. Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliform bacteria are indicators of potential contamination and may originate from human, animal, or soil sources. If the coliform standards are met, the water served can be considered safe from bacteria. If they are not met, drinking the water may not necessarily result in illness, but that possibility exists. Routine and follow up sampling are important to periodically verify the water quality. Our failure to test the drinking water for bacteria during August 2013 was a violation of Section 64423, Title 22 of the California Code of Regulations (CCR). The water system did collect a bacteriological sample in April, May, and July 2013. The results of these three sampling events showed no coliform.

The California Department of Public Health in conjunction with the Mendocino County Health Department and Sutherland Waterworks are advising users of the Sutherland Waterworks water system to boil their tap water or use bottled water for drinking and cooking purposes as a safety precaution until regular monitoring of the water quality is consistently performed and the water system has a certified operator. We will inform you when the water is safe to drink and you no longer need to boil your water. It is currently unknown when this boil water notice will be lifted.

DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST. *Bring all water to a boil, let it boil for one (1) minute, and let it cool before using. Boiling kills bacteria and other organisms in the water. Boiling is the preferred method to assure that the water is safe to drink. Another alternative is to use bottled water. Boiled or bottled water should be used for drinking, brushing teeth, and food preparation until further notice.*

Optional alternatives:

- An alternative method of disinfection for individuals that are not able to boil their water is to use fresh, unscented, liquid household bleach. To do so, add 8 drops (or 1/8 teaspoon) of bleach per gallon of clear water or 16 drops (or 1/4 teaspoon) per gallon of cloudy water, mix thoroughly, and allow it to stand for 30 minutes before using. A chlorine-like taste and odor will result from this disinfection procedure and is an indication that adequate disinfection has taken place.
- Water disinfection tablets may also be used by following the manufacturer's instructions.

Date issued: October 10, 2013

For more information call:

Water Utility contact: Sharon Sutherland at 707-354-0603
California Department of Public Health Mendocino District Office at (707) 576-2145

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, businesses and property owners must post this in a conspicuous place.)

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To all School Administrators, Rental Property Owners, and Business Property Owners:

You must provide public notification within 10 days of the receipt of the following notice from **SUTHERLAND WATERWORKS** [Health and Safety Code Section 116450(g)]. The notification must be provided as follows:

SCHOOLS: Must give written notification to school employees, students, and parents (if the students are minors).

RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS(including but not limited to apartment complexes, nursing home facilities, other care facilities): Must give written notification to tenants/patients. Must give written notification to employees (if applicable).

BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS (including but not limited to restaurants, stores, hospitals, churches, clubs, daycare facilities, offices, other businesses): Must give written notification to employees and members. Must post in conspicuous places for customers/visitors (if applicable).

COMPLIANCE CERTIFICATION**Citation Number 02-03-13C018-2300503-23**Name of Water System: **SUTHERLAND WATERWORKS**System Number: **2300503****Certification**

As required by Section 116450 of the California Health and Safety Code, I certify that the users of the water supplied by this water system were notified of the violations of Title 22, California Code of Regulations (CCR) for the compliance period of August 2013. In addition, I certify that the SUTHERLAND WATERWORKS complied with the directives of this citation as indicated below:

| <u>Required Action</u> | <u>Date Completed</u> |
|---|-----------------------|
| Public Notification – Mail or Direct Delivery | |
| Public Notification – Continuous Posting in Public Location | |

Signature of Water System Representative_____
Date

Attach a copy of the notice delivered to the customers and a copy of the notice posted in a conspicuous location within the Water System.

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT
NO LATER THAN November 10, 2013**

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.

